

From: (b) (6)
To: [BOROK Aron](#)
Cc: [LIVERMAN Alex](#); [TOM PEPIOT](#)
Subject: RE: November 4th Willamette Basin Mercury TMDL
Date: Friday, October 11, 2019 10:10:27 AM

Maybe I am not understanding the Willamette Basin mercury TMDL.

If DEQ and EPA approves all streams and tributaries in the Bohemia Mining district to be 303d listed, that will close down all productive mining for this mining district. DEQ requires suction dredge miners to purchase a 700 NPDES permit to comply with ORS 468b water quality standards and the Clean Water Act. DEQ will not issue permits for 303d listed waters. If the Bohemia mining district waters become listed for Methyl Mercury 0.04 increase the 700 NPDES permit is no longer available to mine our private property mineral right for our federal mining claims.

This will discriminate against another Oregon small business. As mentioned in my letter to DEQ for the November 4, 2019 comments. BLM can invalidate our private property mineral right for not being productive meeting their Prudent Man Rule to keep and maintain a valid mining claim. Some would call this a "Takings" making all claims in the Bohemia Mining district to lose all resale value in the mining market place.

DEQ with all their so called scientific studies claims Methyl Mercury is a reason to list Bohemia mining district streams 303d. DEQ studies claims suction dredging has limited recovery methods for Methyl Mercury; therefore miners have no way to mitigate this issue and will require a MDV or individual variance from the Environmental Quality Commission if the new Mercury 0.04 standard is approved for the Willamette Basin mercury TMDL.

Mr. Borok please help me understand why miners will not qualify for the MDV or individual variance for Mercury?

(b) (6)

-----Original Message-----

From: BOROK Aron [<mailto:Aron.BOROK@state.or.us>]
Sent: Thursday, October 10, 2019 3:36 PM
To: (b) (6)
Cc: LIVERMAN Alex <alex.liverman@state.or.us>; DOU Connie <Connie.Dou@state.or.us>; STURDEVANT Debra <Debra.STURDEVANT@state.or.us>; mercury2019 <mercury2019@deq.state.or.us>; (b) (6)
Subject: RE: November 4th Willamette Basin Mercury TMDL

Hi (b) (6),

Thank you for sending me this letter. I'd like to clarify that variances are only required for permitted dischargers that have permit limits that they are not able to achieve for one of the reasons provided in the variance authorization rule. As far as I'm aware, there are no permit limits for mercury in the 700 PM permit; as such, there is no need for you to apply for a mercury variance.

Sincerely,

Aron Borok
Oregon DEQ
503-229-5050

From: (b) (6)
Sent: Thursday, October 10, 2019 2:10 PM
To: BOROK Aron
Cc: LIVERMAN Alex; TOM PEPIOT

Subject: November 4th Willamette Basin Mercury TMDL

Please see attachment for the November 4, 2019 Willamette Basin Mercury TMDL proposed rulemaking for MDV or individual variance for point source discharges and NPDES permit holders.

(b) (6)

"Government governs best that governs least.

Thomas Jefferson.